



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
ALASKA OPERATIONS OFFICE
Room 537, Federal Building
222 W. 7th Avenue, #19
Anchorage, Alaska 99513-7588

Reply to
Attn. Of: AOO/A

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ms. Kathleen McCullom
Williams Petroleum
1100 H & H Lane
North Pole, Alaska 99705

Re: **NOTICE OF VIOLATION**
Williams Petroleum North Pole
EPA ID NO. AKD 00085 0701

Dear Ms. McCullom:

This Notice of Violation (NOV) is to inform Williams Petroleum of violations of the Resource Conservation and Recovery Act, as amended (RCRA), identified during an inspection on July 24, 2003. This inspection was performed pursuant to its authority under Section 3007 of RCRA 42 U.S.C. § 6927.

The following violations were observed at the Facility:

Violation #1 - Failure to Demonstrate Length of Accumulation Time for Universal Waste

At the time of the inspection there were two small containers labeled as universal waste. One was for nicad batteries and the other was labeled for mercury thermostats. Neither container was labeled with a start accumulation date

The regulation at 40 CFR 273.15 states that a generator of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by one of six different ways. They are: 1) placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste; 2) Marking or labeling each individual item with the date it became a waste; 3) Maintaining an inventory system on-site that identifies the date each universal waste became a waste; 4) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste; 5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste; 6) Any other method which clearly

demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste.

Violation #2 - Failure to Label Universal Waste Containers

Lamps that are not crushed are sent out as universal waste. A small container for those lamps was in the satellite accumulation area in the Environmental Bay Building. There were about 3 or 4 bulbs in the container. The container had no labeling identifying its contents at the time of the inspection nor did it have a start accumulation date.

The regulation at 40 CFR 273.14 states that a handler of universal waste must label or mark the universal waste to identify the type of universal waste. The regulation at 40 CFR 273.15 states that a generator of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste.

Violation #3 - Failure to Label Containers with the Words "Hazardous Waste"

At the time of the inspection there were five totes in the Hazardous Waste Accumulation Area. Two of the five totes were not labeled at all. The contents in the tote were "spent filters with benzene".

At the time of the inspection there were a number of containers that had been cut in half being prepared for disposal. One of the containers still had a residue in the bottom of the container. According to Mr. Guinn the residue was K050, heat exchanger waste. The container was not labeled and was open at the time of the inspection.

The regulations at 40 CFR 262.34 state that a generator may accumulate waste on-site without a permit or interim status provided that, the containers are labeled with the words "hazardous waste".

Neither the two totes nor the half barrel in the hazardous accumulation area were labeled with the words "Hazardous Waste".

Violation #4 - Failure to Label Containers with a Start Accumulation Date

At the time of the inspection, the same two totes and half barrel that were missing the "hazardous waste" labels, were also missing the start accumulation date on each container.

The regulations at 40 CFR 262.34 state that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that: The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.

Violation #5 - Failure to Keep Container of Hazardous Waste Closed

At the time of the inspection the half barrel in the hazardous waste accumulation area did not have a lid and no waste was being added or emptied at that time.

The regulations at 40 CFR 262.34 state that a generator may accumulate hazardous waste on-site for 90 days or less without having a permit or without having interim status, provided that the waste is placed in containers and the generator complies with the applicable requirements of subparts I. The regulation at 40 CFR 265.173 states that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

Required Action

The above violation may subject Williams Petroleum to enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928, including the assessment of civil penalties. Within fifteen (15) days of receipt of this NOV, EPA requests that Williams Petroleum submit a written response that identifies all action the Facility has taken or will take to correct the violation and the time frame for completing such action.

Please send all material submitted in response to this NOV to:

Diane Richardson
US Environmental Protection Agency
Alaska Operations Office
222 W. 7th Avenue, Box 19
Anchorage, Alaska 99513

A copy of the response must be sent to:

Manager
RCRA Compliance Unit
US Environmental Protection Agency
1200 Sixth Avenue, WCM-126
Seattle, Washington 98101

EPA Reservation of Rights

Notwithstanding this NOV or Williams Petroleum's response, EPA reserves the right to take any action pursuant to RCRA, the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), or any other applicable legal authority, including without limitation, the right to seek injunctive relief, implementation or response actions or corrective measures, cost recovery, monetary penalties, and punitive damages. Williams Petroleum's response to this NOV does not constitute compliance with RCRA.

Nothing in this NOV or Williams Petroleum's response shall affect Williams Petroleum's duties, obligations, or responsibilities with respect to the Facility under local, state, or federal law or regulation.

Thank you for your prompt attention to this important matter. If you have questions regarding this NOV, please contact Diane Richardson, of my staff, at (907) 271-6329.

Sincerely,

Jamie Sikorski, Manager
RCRA Compliance Unit

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Sincerely,

Jamie Sikorski, Manager
RCRA Compliance Unit

CONCURRENCES					POLICY FILE	
Initials					Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Name:		Diane Richardson			If policy file please bcc to RMSPU Manager	
Date:		9/18/03				
RCRAInfo EVENT		Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	
SNC IDENTIFICATION		Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	
(Can it be entered in RCRAInfo?)		Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	
SBREFA INFO VERIFICATION		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
PEER REVIEW		Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	
REGION 9 POLICY FILE		Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	

